

REMARKS

The Office Action of October 13, 2011 noted in which there is a 35 USC 112 second paragraph rejection of Claim 1 and in which the claims are rejected under 35 USC 103 citing the Mason et al. reference in view of Zuckerman et al.

Applicants do not believe that the Examiner understands the invention. Simply Applicants use a module to convert

“standard radios into ones that can intercommunicate by changing all of the radios to transmit in a communication modulation format and on a common frequency”.

Nowhere is shown such a module connected to a standard radio. Rather Mason et al say

“the first responders will carry radio handsets if (sic) they typically do when responding to an incident; but in contrast to the typical radios currently in use, the first responder radios 21000 provided herein enable the responders to communicate across different functional units. (i.e. fire to police, police to EMS, etc.) via common channels and frequencies”.

In the most simple and basic terms all first responders must be provided with the special radios of Mason et al. to get interoperability.

This is exactly what Applicants seek to avoid, namely handing out special radios to all first responders is both impractical and too costly to provide every first responder with identical equipment, i.e. radio 21000.

What the Applicants are claiming is a system that allows a first responder to bring his “typical radio currently in use” and provide it with a module for the appropriate conversion of modulation type and frequency.

There can be no better case of teaching away than this. Mason et al. reference solves the compatibility problems by providing new radios in contrast to providing a module for incompatible transceivers, i.e. typical radios currently in use.

Specifically, the first responder's radio 21000 provided by Mason et al. enables responders to intercommunicate. On the contrary, rather than having to provide all the first responders who arrive at the scene with the same radio (radio 21000), the subject system allows first responders to have their own radio make, type or frequency and to snap on a module to permit intercommunication.

Thus, Mason et al. solve a problem by providing special radios, whereas, Applicants provide the "typical radios currently in use" with intercommunication adapters. This means that the first responders can keep their favorite hand-held radios to which they and their commanders have become accustomed and quickly adapt them for intercommunication with the subject module.

Since the art cited does not teach the claimed invention but rather teaches providing a specialized radio the 35 USC 103 rejection will not lie.

The Applicants have claimed standard incompatible non-specialized transceivers that are not specially adapted for interoperability. These are called "traditional" radios.

Applicants object to the rejection of the language "non specialized transceiver" as being unsupported in the original disclosure. Not only does Mason et al. describe such receivers as "typical radios currently in use", "traditional transceivers" are specified on page 4, line 8 of the subject Specification.

Note at page 4, line 21 of the subject Specification, it is said that "personnel from different departments may have incompatible transceivers".

Applicants now claim that the modules are used for incompatible transceivers, i.e. ones which are not compatible out of the box.

As to the present incompatibility of standard transceivers and the problems therewith, note on bottom of page 13 of the subject Specification it is said that: "As mentioned hereinbefore, responding to a local incident has involved rolling in specialized communication vehicles or distributing portable radios or PAN devices that interoperate...Distributing specialized PAN devices also has everyday operational issues such as programming and configuration as well as lack of user familiarity".

Thus there is plenty of support in the Specification for what is meant by a traditional incompatible transceiver, not specifically adapted for interoperability, especially since the claimed system eliminates the problem of "distributing of interoperable PAN devices".

Note, it is impermissible to prevent Applicants from claiming a traditional transceiver to distinguish it from a specifically provided PAN device, namely radio 21000.

Zuckerman et al.

What is clear about Zuckerman et al. is that if there were to be true interoperability between all of the first responders, then journeymen firefighters 10, 11 and 12 would have to have each of their transceivers adapted with a module. This is so

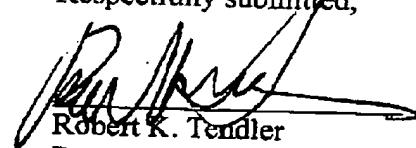
they could talk to one another. Providing a Group Leader 20 with different transceivers, i.e. transceivers 70 and transceiver 72, does not create interoperability between the transceivers 22 of the journeyman firefighters.

Nowhere is shown installing modules on transceivers 22 for interoperability. This is because the only pseudo interoperability is provided by the group commander with transceivers 70 and 72. Also providing long range transceiver 34 at the group leader does not establish interoperability between the transceivers 22 carried by individuals 10, 11 and 12.

Therefore providing a module at each transceiver to establish interoperability is not shown or taught by Zuckerman et al. In short, Zuckerman does not teach how to allow standard transceivers to intercommunicate by attaching a module to each of their transceivers.

Allowance of the claims and issuance of the case are therefore earnestly solicited. Alternatively, entry of this Amendment for Purposes of Appeal is requested.

Respectfully submitted,



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